



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 24, 2008**

Invocation: Pastor Kermit Bell, Church of Glad Tidings

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 24, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:25 a.m.

Announcement of future agenda items from Council:

Council Member Martinez announced he will be bringing the following three items: 1) he will be requesting Council move forward with a low interest loan for Southwest Key; 2) he will be requesting Council fund an Hispanic Quality of Life Report in the next budget cycle; and 3) he will be requesting an amendment to the Code to allow neighbors adjacent to State property that is being sold to have the opportunity to supply a valid petition when a zoning request is presented.

Council Member Cole announced on April 30, 2008 the Waller Creek Citizen Advisory Committee will hold a visioning session at the Thompson Center.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.

1. Approval of the Austin City Council minutes from the April 10, 2008 meeting.
The minutes from the meeting of April 10, 2008 were approved.
2. Approve a three-year membership with CLEAN TECHNOLOGY AND SUSTAINABLE INDUSTRIES ORGANIZATION, Cambridge, MA, a non-profit organization, to partner with Austin Energy in providing technology assessments, identification of best practices, marketing and policy support in an amount not to exceed \$195,000 over three years. Funding in the amount of \$65,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining \$130,000 is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission.
The motion approving a membership with Clean Technology and Sustainable Industries Organization was approved.

3. Approve issuance of a rebate in the amount of \$94,634.10 to Dell Inc. for a high efficiency lighting retrofit project at their Parmer South Campus at 701 E. Parmer Lane, Austin, Texas. Funding in the amount of \$94,634.10 is available in the Fiscal Year 2007-2008 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy. Recommended by the Electric Utility Commission.
The motion approving the issuance of a rebate was approved.
4. Approve an ordinance amending Ordinance 20070910-003 to the Fiscal Year 2007-2008 Performance Contracting Fund to increase expenditures by \$7,500,000 and authorize the acceptance of a low interest LoanSTAR Loan from the State Energy Conservation Office in an amount not to exceed \$5,000,000, and re-appropriate an additional \$2,500,000 in revenues from a previous LoanSTAR Loan to the Performance Contracting Fund. Revenues in the amount of \$7,500,000 are available as low interest loan proceeds through the Texas Comptroller's State Energy Conservation Office's LoanSTAR Program. \$2,500,000 is available from a prior LoanSTAR Loan and the remaining \$5,000,000 will be funded by a new loan. Recommended by the Electric Utility Commission.
Ordinance No. 20080424-004 was approved.
5. Authorize execution of a Lease and Hangar Facility Development Agreement with Ascend Development AUS, LLC of Hayward, CA to design, construct, and operate a new general aviation facility at Austin-Bergstrom International Airport providing additional hangar facilities for private jet aircraft and for approximately twelve acres of land at Austin-Bergstrom International Airport for a term not to exceed thirty years from the date of beneficial occupancy of the hangar facilities. This is a revenue generating contract. Recommended by the Austin Airport Advisory Commission.
This item was withdrawn.
6. Approve an ordinance amending Ordinance No. 20080214-003 calling the May 10, 2008 General Municipal Election, to repeal and replace Exhibits A,B,C and D to adopt changes to election day polling locations, the list of election day precinct judges, early voting places, and the list of central counting station judges.
Ordinance No. 20080424-006 was approved.
7. Approve a resolution authorizing the fee simple acquisition of Lot 10-A, Resubdivision of Lots 9 thru 11 and Lots 33 thru 35 Richland Estates Section One, a subdivision in Travis County, Texas, located at 1212 Harrison Lane, John Oliver for the Carson Creek Floodplain Buyout in Richland Estates, in the amount of \$112,000 for the land and improvements and \$32,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$154,900. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080424-007 was approved.
8. Approve a resolution authorizing the fee simple acquisition of Lot 49, Richland Estates Section one, a subdivision in Travis County, Texas, located at 1305 Hyman Lane, from Liza Kennedy and Rachel Hansen for the Carson Creek Floodplain Buyout in Richland Estates, in the amount of \$120,000 for the land and improvements and \$29,000 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$159,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080424-008 was approved.
9. Approve a resolution authorizing the fee simple acquisition of Lot 11-B, Resubdivision of Lots 9 thru 11 and Lots 33 thru 35, Richland Estates Section One, a subdivision in Travis County, Texas, located at 1216 Harrison Lane, from Rosalind Ochoa for the Carson Creek Floodplain Buyout in the Richland Estates, in the amount of \$108,000 for the land and improvements, \$39,900 in owner assisted relocation benefits,

plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$157,900. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20080424-009 was approved.

10. Approve a resolution authorizing the fee simple acquisition of Lot 20, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7216 Firefly Drive, Austin, Texas from Dora M. Griffin for the Onion Creek Voluntary Flood Buyout-FEMA-1624-DR Project, in the amount of \$154,000 for the land and improvements and \$31,000 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$195,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20080424-010 was approved.

11. Approve a resolution authorizing the fee simple acquisition of Lot 15, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7226 Firefly Drive, Austin, Texas from Harry G. Simmons, IV, Cesareo Salgado Moreno and Felicianas Romero Salgado for the Onion Creek Voluntary Flood Buyout-FEMA-1624-DR Project, in the amount of \$140,000 for the land and improvements and \$46,965 in owner assisted relocation benefits, plus additional expenses not to exceed \$10,000, for a total amount not to exceed \$196,965. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20080424-011 was approved.

12. Approve a resolution to authorize the negotiation and execution of a fee simple acquisition of Lot 46, Block E, of Yarrabee Bend South, Section 1, a subdivision in Travis County, Texas, and locally known as 7206 Dixie Drive, Austin, Texas conveyed to Rafael Corral Ortiz and Pabla Hernandez, for the Streambank Restoration and Erosion Management Program, in the amount of \$94,200 for the land and improvements and \$22,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$126,700. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

This item was postponed to May 8, 2008.

13. Approve a resolution authorizing the fee simple acquisition of Lot 16, Block A, Onion Creek Plantations Section 1, an addition in Travis County, Texas, located at 7101 Foy Circle, Austin, Texas conveyed to Anthony Palacios and Leticia Gonzalez for the Streambank Restoration and Erosion Management Program, in the amount of \$115,000 for the land and improvements and \$22,500 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$147,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

This item was postponed to May 8, 2008.

Item 14 was pulled for discussion.

15. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Govalle 1 - South 2nd Street Reroute & Area Improvements Project for a 2,025 square-foot permanent wastewater line easement out of Lot 1, Block C, James E. Bouldin Estate, out of the Isaac Decker League in Travis County, Texas, in the amount of \$38,150. The owner of the needed property is Buck Allan. The property is located at 1114 South 1st Street, Austin, Travis County, Texas. Funding is

available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

Resolution No. 20080424-015 was approved.

16. Approve a resolution authorizing the negotiation and execution of an Easement Release Agreement with the Union Pacific Railroad Company (UPRR) in connection with the Seaholm Redevelopment Project for the release of an approximately 0.839 acre (36,564 square feet) easement for the UPRR railroad trackage, track appurtenances, and associated rights, located upon, along and across the northern portion of City property more specifically described as approximately 2.614 acres of land conveyed to City of Austin by deed recorded at Document No. 2003282535 of the Official Public Records of Travis County, Texas, being located off of W. 3rd Street, near West Avenue, with associated Special Provisions for quieting title on adjacent City owned land and approval of a Joint Use Right-of-Way Agreement for the area adjacent to the UPRR northern railway abutment in the amount not to exceed \$895,000. Funding in the amount of \$447,500 is available in the Fiscal Year 2007-2008 Capital Budget of the Economic Growth & Redevelopment Services Office and \$447,500 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Resolution No. 20080424-016 was approved.
17. Approve the negotiation and execution of the sale of a permanent easement and temporary easements from the City of Austin to ENTERPRISE TEXAS PIPELINE, LP, Houston, Texas, in N.M. Bain Survey No. 1, Abstract No. 61, in Travis County, Texas, all located at 0 McAngus Road, in an amount not less than \$10,452.
The motion approving the negotiation and execution of the sale of a permanent easement and temporary easements to Enterprise Texas Pipeline, LP was approved.
18. Approve resolution authorizing the negotiation and execution of an agreement to purchase easements for the Austin Clean Water Program as follows: Govalle 2 - Travis Heights Wastewater Improvement Project for a 36,233.14 square-foot temporary staging area and material storage site easement out of Lots 1, 2, 3, 4 and 5, Block 3, Norwood Heights, a subdivision in Travis County, Texas, for a total amount of \$296,721. The owner of the needed property is Terrace Holdings, L.P., a Texas limited partnership. The property is located at 1006 Melissa Lane, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Resolution No. 20080424-018 was approved.
19. Authorize execution of a construction contract with BONNET GRANT CONSTRUCTORS, INC., Georgetown, Texas for the Austin Fire Department Women's Locker Room Additions, Phase III in the amount of \$734,900 plus a \$73,500 contingency, for a total contract amount not to exceed \$808,400. Funding is available in the Fiscal Year 2007-2008 Approved Capital Budget of the Austin Fire Department. Craig Russell 974-7157, Robin Field 974-7064 This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts; 8.28% MBE and 6.47% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Bonnet Grant Constructors, Inc. was approved.
20. Authorize execution of a construction contract with LAUGHLIN-THYSSEN INC., Houston, TX for Davenport Lift Station STAA #9A3-in the amount of \$3,092,471 plus a \$154,624 contingency, for a total contract amount not to exceed \$3,247,095. Funding in the amount of \$3,247,095 is available in the Fiscal Year 2007-2008 Approved Capital Budget of the Austin Water Utility. FDU #4570-2307-8876 This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and

Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 10.99% MBE and 3.21% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Laughlin-Thyssen Inc. was approved.

21. Authorize execution of Change to the construction contract with BRH-GARVER CONSTRUCTION, LP, Houston, TX for the ACWP Gaston/Bull Creek/W 25th Street Project in the amount of \$315,000, for a total contract amount not to exceed \$4,897,763.85. Funding in the amount of \$315,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 13.34% MBE and 73.94% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of change to the construction contract with BRH-Garver Construction, LP was approved.
22. Authorize award, negotiation, and execution of a five-month contract with the Austin Asian American Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$56,400, with an additional twelve-month extension option in an amount not to exceed \$87,000, for a total contract amount not to exceed \$143,400. Funding in the amount of \$56,400 is available in the Fiscal Year 2007-2008 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation, and execution of a contract with the Austin Asian American Chamber of Commerce was approved.
23. Authorize award, negotiation, and execution of a five-month contract with the Capital City African American Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$51,440, with an additional twelve-month extension option in an amount not to exceed \$77,700, for a total contract amount not to exceed \$129,140. Funding in the amount of \$51,440 is available in the Fiscal Year 2007-2008 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation and execution of a contract with the Capital City African American Chamber of Commerce was approved.
24. Authorize award, negotiation, and execution of a five-month contract with the Greater Austin Hispanic Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$58,160, with an additional twelve-month extension option in an amount not to exceed \$90,300, for a total contract amount not to exceed \$148,460. Funding in the amount of \$58,160 is available in the Fiscal Year 2007-2008 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation and execution of a contract with the Greater Austin Hispanic Chamber of Commerce was approved.

25. Approve an ordinance on third reading regarding the application submitted by American Medical Response of Texas, Inc. to renew a non-emergency medical transfer franchise under Chapter 10-2 of the City Code. Recommended by the Austin-Travis County EMS Advisory Board.
Ordinance No. 20080424-025 was approved.
26. Consider an amendment to set additional meeting dates to the 2008 Austin City Council meeting schedule.
This item was withdrawn.
27. Approve the negotiation and execution of a loan to Athenian Bar & Grill, LC, Austin, Texas, in an amount not to exceed \$225,000 under the Neighborhood Commercial Management Loan Program, in compliance with applicable federal requirements and performance goals, to purchase furniture, fixtures, and equipment for a restaurant located at 600 Congress, Austin, Texas. Funding is available in the Fiscal Year 2007 - 2008 Neighborhood Housing and Community Development Department Special Revenue Fund. This loan is subject to completion of the federal environmental assessment and fund release process.
The motion for the negotiation and execution of a loan to Athenian Bar and Grill, LC was approved.
28. Approve the negotiation and execution of an Amended and Consolidated Loan Agreement with the East Austin Economic Development Corporation, Austin TX, for a total loan amount not to exceed \$384,545.
The motion for the negotiation and execution of an amended and consolidated loan agreement with the East Austin Economic Development Corporation was approved.
29. Approve second/third readings of an ordinance amending Chapter 25-2 of the City Code related to residential uses in mixed use buildings. Recommended by Planning Commission.
Ordinance No. 20080424-029 was approved.
30. Approve a resolution authorizing the use of Lady Bird Lake for up to four water events associated with the annual Capital 2K open water race to be held on May 4, 2008 and the Capital of Texas Triathlon to be held on May 25, 2008. There is no unanticipated fiscal impact. A fiscal note is not required.
Resolution No. 20080424-030 was approved.
31. Approve an ordinance authorizing the acceptance of \$10,000 in grant funds from the State of Texas, Texas Department of Transportation; and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$10,000 for a total grant amount of \$60,000 for the Texas Selective Traffic Enforcement "Click It or Ticket" Program to increase the enforcement of seatbelt laws with overtime law enforcement. Funding is available from the State of Texas, Texas Department of Transportation, for enforcement efforts from May 19 - June 1, 2008. The grant is 100% Federally funded and no match is required.
Ordinance No. 20080424-031 was approved.
32. Approve an ordinance amending Section 13-2-386 of the City Code relating to the display of lettering and design on low-emission taxicabs. Recommended by the Urban Transportation Commission.
Ordinance No. 20080424-032 was approved.
33. Authorize the execution of an interlocal Multiple Use Agreement (MUA) with the Texas Department of Transportation (TxDOT) to allow the City of Austin to use TxDOT's duct banks for installing fiber optic cable for the operation of traffic signals.

The motion authorizing the execution of an interlocal Multiple Use Agreement (MUA) with the Texas Department of Transportation (TxDOT) was approved.

34. Approve an ordinance amending Section 12-4-64(D) of the City Code to add Thome Valley Drive from 200 feet west of Alomar Cove to 200 feet east of Alomar Cove to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Del Valle Elementary School as per Transportation Code Section 545.356; and provide for emergency passage. Funding in the amount of \$400 is available in Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20080424-034 was approved.
35. Authorize award and execution of an 18-month requirements service contract with CLEAN ENERGY ASSOCIATES, Austin, TX, for the provision of data analysis services as part of the Austin Solar City Partnership in an estimated amount not to exceed \$61,000. Funding in the amount of \$16,950 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 13 months of the original contract period is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Clean Energy Associates was approved.
36. Authorize award, negotiation, and execution of a 12-month requirements service contract with FOX, SMOLEN & ASSOCIATES, INC., Austin, TX (WBE/FW) and JOHN HALL PUBLIC AFFAIRS (MBE/MB), Austin, TX for the design and implementation of a public process for input on Austin Energy's long-range energy plan in an estimated amount not to exceed \$237,835 and \$147,100, respectively. Funding in the amount of \$160,390 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining seven months of the original contract period is contingent upon available funding in future budgets. Best evaluated proposals of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation and execution of a requirements service contract with Fox Smolen and Associates, Inc. and John Hall Public Affairs (MBE/MB) was approved.
37. Authorize award and execution of a 12-month requirements service contract with LEXIS/NEXIS, Miamisburg, OH, for public records retrieval in an estimated amount not to exceed \$61,920, with two 12-month extension options in an estimated amount not to exceed \$63,780 for the first extension, and \$65,016 for the second extension, for a total estimated contract amount not to exceed \$190,716. Funding in the amount of \$20,640 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining eight months of the original contract period and the extension options is contingent upon available funding in future budgets. Exempt purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Lexis/Nexis was approved.
38. Approve ratification of Amendment No. 1 to a contract with TRANSCANADA TURBINES, LTD, Calgary, Alberta, Canada for the repair of the gas turbine engine in an amount not to exceed \$212,153.01, for a revised total contract amount not to exceed \$2,925,790.65. Funding is available in the Fiscal Year

2007-2008 Operating Budget of Austin Energy. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion ratifying amendment number 1 to a contract with TransCanada Turbines, Ltd was approved.

39. Authorize award and execution of a contract with WILLIAMS SCOTSMAN, INC., Georgetown, TX, for the purchase of a portable office building in an amount not to exceed \$97,839. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid meeting specification of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a contract with Williams Scotsman, Inc. was approved.

40. Authorize award and execution of a contract with ATLAS COPCO COMPTEC INC. Voorheesville, NY, for the purchase of Atlas Copco blower repair parts for the Austin Water Utility's South Austin Regional Wastewater Treatment Plant in an amount not to exceed \$113,407. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract with Atlas Copco Comptec Inc. was approved.

41. Authorize execution of Amendment No. 7 to a contract with INSITUFORM TECHNOLOGIES, INC., Chesterfield, MO, for the continuation of rehabilitation of large diameter wastewater lines through trenchless Cured In Place Piping (CIPP) Technology under the Austin Clean Water Program for the Austin Water Utility in an estimated amount not to exceed \$1,213,506, for a revised total estimated contract amount not to exceed \$19,286,249. Funding in the amount of \$1,213,506 is included in Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 2.12% MBE and 4.54% WBE subcontractor participation to date. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of amendment number 7 to a contract with Insituform Technologies, Inc., was approved.

42. Authorize award and execution of two 24-month requirement supply contracts to provide safety shoes and boots for the Austin Water Utility and Public Works Department with: SAFETY SHOE DISTRIBUTORS, LLP, Houston, TX, in an estimated amount not to exceed \$120,000, with two 12-month extension options in an estimated amount not to exceed \$60,000 per extension option, for a total estimated contract amount not to exceed \$240,000; and with RED WING SHOE COMPANY, INC, Austin, TX, in an estimated amount not to exceed \$120,000, with two 12-month extension options in an estimated amount not to exceed \$60,000 per extension option, for a total estimated contract not to exceed \$240,000. Funding in the amount of \$25,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding in the amount of \$25,000 is available in the 2007-2008 Operating Budget of the Public Works Department. Funding for the remaining 19-months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No

subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of two requirement supply contracts with Safety Shoe Distributors, LLP and Red Wing Shoe Company, Inc. was approved.

43. Authorize award and execution of a contract with WABASH NATIONAL TRAILER CENTERS, San Antonio, TX, for the purchase of two aluminum tandem sludge hauling trailers in an amount not to exceed \$207,036. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract with Wabash National Trailer Centers was approved.

44. Authorize award and execution of a 60-month installment purchase contract through the State of Texas Department of Information Resources (DIR) Austin, TX, with CALENCE LLC, Tempe, AZ, for the lease of network hardware and services in an amount not to exceed \$777,724. Funding in the amount of \$90,735 is available in Fiscal Year 2007-2008 Operating Budget of the Aviation Department. Funding for the remaining 53 months of the contract period is contingent upon available funding in future budgets. Cooperative Installment Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the award and execution of an installment purchase contract through the State of Texas Department of Information Resources (DIR) with Calence LLC was approved.

45. Authorize award and execution of a 36-month requirements service contract with INDIGENT CARE COLLABORATION, Austin, TX, for software licensing and training services in an estimated amount not to exceed \$441,000, with three 12-month extension options in an estimated amount not to exceed \$140,000 per extension option, for a total estimated contract amount not to exceed \$861,000. Funding in the amount of \$61,250 is available in the Fiscal Year 2007-2008 Operating Budget of the Community Care Services Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Indigent Care Collaboration was approved.

46. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with GRAINGER INDUSTRIAL SUPPLY, Austin, TX, for the purchase of Xlerator hand dryers with wall box assembly for the Austin Convention Center in an amount not to exceed \$75,832.50. Funding is available in the Fiscal Year 2007 - 2008 Operating Budget of the Austin Convention Center. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority - Owned and Woman Owned Business Enterprise Procurement Program). This contract is a cooperative contract; therefore, it is exempted under Chapter 791 of the Texas Government Code and no subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Grainger Industrial Supply was approved.

47. Authorize award and execution of two contracts through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with: SOUTHERN ALUMINUM, Magnolia, AR for the purchase of lightweight aluminum folding tables for the Austin Convention Center in an amount not to exceed \$154,014.39; and with CLARIN, DIVISION OF GREENWICH INC., L.P., Lake Bluff, IL for the purchase of steel folding chairs and chair storage trucks in an amount not to exceed \$140,875.50. Funding in the amount of \$154,014.39 is available in the Fiscal Year 2007 - 2008 Operating Budget of the Austin Convention Center. Funding in the amount of \$140,875.50 is available in the Fiscal Year 2007-2008 Operating Budget of the Palmer Events Center. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority - Owned and Woman Owned Business Enterprise Procurement Program). This contract is a cooperative contract; therefore, it is exempted under Chapter 791 of the Texas Government Code, and no subcontracting opportunities were identified; therefore, no goals were established.
- The motion authorizing the award and execution of two contracts through the Texas Multiple Award Schedule (TXMAS) with Southern Aluminum and Clarin, Division of Greenwich Inc., L.P. was approved.**
48. Authorize negotiation and execution of a 12-month contract with Cen-Tex Certified Development Corporation of Texas dba Business Community Lenders of Texas, Austin, TX, to provide technical assistance on starting, developing, or expanding a business to small business owners in an amount not to exceed \$128,500, with an additional 12 month extension option in an amount not to exceed \$128,500, for a total contract amount not to exceed \$257,000. Funding in the amount of \$53,542 is available in the Fiscal Year 2007-2008 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the remaining 7 months of the contract period and the extension option is contingent upon available funding in future budgets. Five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the negotiation and execution of a contract with Cen-Tex Certified Development Corporation of Texas doing business as Business Community Lenders of Texas was approved.**
49. Authorize negotiation and execution of a 12 month contract with Cen-Tex Certified Development Corporation of Texas dba Business Community Lenders of Texas, Austin, TX to provide financial management technical assistance and loan packaging services to small business owners in an amount not to exceed \$133,000, with an additional 12 month extension option in an amount not to exceed \$133,000, for a total contract amount not to exceed \$266,000. Funding in the amount of \$55,417 is available in the Fiscal Year 2007-2008 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the remaining 7 months of the contract period and the extension option is contingent upon available funding in future budgets. Two proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the negotiation and execution of a contract with Cen-Tex Certified Development Corporation of Texas doing business as Business Community Lenders of Texas was approved.**
50. Authorize award, negotiation, and execution of a 16-month service contract with FDM SOFTWARE, LTD, Vancouver, BC, for an electronic patient care record system for the Austin-Travis County Emergency Medical Services Department (A/TCEMS) in an amount not to exceed \$700,203, with four 12-month extension options for maintenance and support in an amount not to exceed \$93,765 per

extension option, for a total contract amount not to exceed \$1,075,263. Funding in the amount of \$610,903 is available in the Fiscal Year 2007-2008 Capital Budget of the Communications and Technology Management Office. Funding for the original year of maintenance and support and the extension options is contingent upon available funding in future budgets. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a service contract with FDM Software, Ltd was approved.

51. Authorize award, negotiation, and execution of a 60-month requirements service contract with PUBLIC FINANCIAL MANAGEMENT, INC., for financial advisory services in an estimated amount not to exceed \$1,500,000, with three 12-month extension options in an estimated amount not to exceed \$300,000 per extension option, for a total estimated contract amount not to exceed \$2,400,000. Funding in the amount of \$125,000 is available in the Fiscal Year 2007-2008 Operating Budget of various City departments. Funding for the remaining 55 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of two qualification statements received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Audit and Finance Committee.

The motion authorizing the award, negotiation and execution of a requirements service contract with Public Financial Management, Inc. was approved.

52. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with AMERICAN MATERIAL HANDLING, INC., Lilburn, GA, for the purchase of four 8,000 pound capacity forklifts in an amount not to exceed \$206,782. Funding in the amount of \$110,154 is available in the Fiscal Year 2007-2008 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$55,077 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Funding in the amount of \$41,551 is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with American Material Handling, Inc. was approved.

53. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with EQUIPMENT SOUTHWEST, INC., Irving TX, for the purchase of 22 Perkins rotary side loaders and 11 double tap-in kits for Fleet Services in an amount not to exceed \$80,027.32. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Service Department, Fleet Fund. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority -Owned and Woman-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Equipment Southwest, Inc. was approved.

54. Authorize award and execution of five contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: RDO EQUIPMENT CO., Pflugerville, TX for the purchase of four articulated wheeled loaders, ten tractor/loader/backhoes, two skid steer loaders, and one hydraulic excavator in an amount not to exceed \$1,892,603.78; VERMEER OF TEXAS, Round Rock, TX for the purchase of two brush chippers in an amount not to exceed \$74,616; TYMCO INTERNATIONAL, LTD, Waco, TX for the purchase of one street sweeper in an amount not to exceed \$163,779; COOPER EQUIPMENT CO., San Antonio, TX for the purchase of three low bed equipment trailers, one asphalt rollers, two crack sealers, and one motor grader in an amount not to exceed \$467,080.60; KINLOCH EQUIPMENT & SUPPLY, INC., Arlington, TX for the purchase of one street sweeper in an amount not to exceed \$149,508. Funding in the amount of \$74,616 is available in the Fiscal Year 2007-2008 Vehicle Acquisition Fund. Funding in the amount of \$214,254.60 is available in the Fiscal Year 2007-2008 Special Revenue Fund of the Parks & Recreation Department. Funding in the amount of \$69,669 is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Funding in the amount of \$1,370,011.03 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Funding in the amount of \$413,679.75 is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Funding in the amount of \$237,629 is available in the Fiscal Year 2007-2008 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$367,728 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection & Development Review Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of five contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with RDO Equipment Co., Vermeer of Texas, Tymco International, Ltd, Cooper Equipment Co. and Kinloch Equipment and Supply, Inc. was approved.

55. Authorize award and execution of an eight-month requirements supply contract through the U.S. Communities Government Purchasing Alliance with ZEP MANUFACTURING COMPANY, Atlanta, GA, for the purchase of parts washing solvents in an estimated amount not to exceed \$40,000, with three 12-month extension options in an estimated amount not to exceed \$55,000 per extension option, for a total estimated contract amount not to exceed \$205,000. Funding in the amount of \$25,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Finance and Administrative Services Department, Fleet Services Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract through the U.S. Communities Government Purchasing Alliance with Zep Manufacturing Company was approved.

56. Authorize award and execution of a 24-month primary requirements supply contract with IRON HORSE ASPHALT dba HEART OF TEXAS HOT MIX, Belton, TX for the purchase of hot mix asphalt concrete in an estimated amount not to exceed \$7,407,825, with two 12-month extension options in an estimated amount not to exceed \$4,556,674 for the first extension option, and \$5,240,175, for the second extension option, for a total estimated contract amount not to exceed \$17,204,674. Funding in the amount of \$1,543,297 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Funding for the remaining 19 months of the original contract period and extension options is contingent

upon available funding in future budgets. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a primary requirements supply contract with Iron Horse Asphalt doing business as Heart of Texas Hot Mix was approved.

57. Authorize award and execution of a 24-month secondary requirements supply contract with INDUSTRIAL ASPHALT, INC. (WDB), Austin, TX, for the purchase of hot mix asphalt concrete in an estimated amount not to exceed \$1,385,422, with two 12-month extension options in an estimated amount not to exceed \$852,204 for the first extension option, and \$980,034 for the second extension option, for a total estimated contract amount not to exceed \$3,217,660. Funding in the amount of \$288,630 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Funding for the remaining 19 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a secondary requirements supply contract with Industrial Asphalt, Inc. (WDB) was approved.

58. Approve ratification of a contract with EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, L.P., Eastland, TX for emergency rapid response and remediation provided at the Waller Creek fuel oil spill on January 10, 2008, for a total contract amount not to exceed \$174,418.89. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection & Development Review Department. Emergency Purchase. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

The motion approving the ratification of a contract with Eagle Construction and Environmental Services, L.P. was approved.

59. Approve an ordinance amending Ordinance No. 20080228-078, that authorized the issuance of City of Austin, Texas, Electric Utility System Revenue Refunding Bonds, Taxable Series 2008, in the amount of \$48,800,000, to revise the optional redemption language consistent with the Official Statement. There will be no debt service requirement for fiscal year 2007-2008. \$3,496,111 for the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale will be included in the Fiscal Year 2008-2009 Proposed Budget of the Utility Revenue Bond Redemption Fund.

Ordinance No. 20080424-059 was approved.

60. Approve an ordinance authorizing a mode change from auction rate securities to weekly reset variable rate demand bonds for the \$281,300,000 currently outstanding City of Austin, Texas, Airport System Variable Rate Revenue Refunding Bonds, Series 2005, and approve and authorize all necessary documents relating thereto. Airport revenues will fund any change in debt service requirement and will be included in the Fiscal Year 2008-2009 Proposed Budget of the Airport Revenue Bond Redemption Fund. Recommended by the Audit & Finance Committee.

Ordinance No. 20080424-060 was approved.

61. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

Board

Nominated By:

Board of Adjustment
Yolanda Arriaga

Mayor Pro Tem Dunkerley

Building and Fire Code Board of Appeals
Brent Meisenheimer

Council Member Martinez

Urban Renewal Agency
Sharon Baxter

Mayor Wynn

Waterfront Overlay Task Force
Michael Casias
Greg Miller
Andy Mormon

Council Member Martinez
Mayor Pro Tem Dunkerley
Council Member Leffingwell

The following nominees for appointment to the Waterfront Overlay Task Force were selected in accordance with Ordinance No. 20080327-039.

Lynn Ann Carley
Danette Chimenti
Mandy Dealey
Jeff Jack
Mary Gay Maxwell
Eleanor McKinney
Brian Ott
Jay Reddy

Representative from
Real Estate Council of Austin
Parks and Recreation Board
Downtown Commission
Save Town Lake
Environmental Board
Design Commission
Town Lake Trails Foundation
Planning Commission

- 62. Approve an ordinance waiving certain development fees associated with the expansion of the Meals on Wheels facility located at 3225 E. 5th Street in an amount to not to exceed \$10,251 and waiving the requirement to provide fiscal surety for erosion and sedimentation controls. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)
Ordinance No. 20080424-062 was approved.

Item 63 was pulled for discussion.

- 64. Approve a resolution directing the City Manager to direct the City Public Works Department and Parks and Recreation Department, and other departments as necessary, to collaborate to adopt a comprehensive and unified interdepartmental vision and coordinated plan to optimize City efforts to promote an enhanced and interconnected bicycling, pedestrian and trails network; and to provide a report to Council on the completion of the plan and the advisability of staff reorganization to support implementation of the plan. (Council Member Sheryl Cole Mayor Will Wynn and Council Member Brewster McCracken)
Resolution No. 20080424-064 was approved.

- 65. Approve a resolution supporting the expansion of the Austin History Center into the Faulk Central Library building following completion of a new central library, if it is determined that the proposed expansion is feasible and sufficient funding is available, and supporting the efforts of the Austin History Center Association to fund and conduct a feasibility study regarding such expansion. (Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken Council Member Lee Leffingwell)

Resolution No. 20080424-065 was approved.

66. Approve a resolution directing the City Manager to initiate amendments to City Code Chapter 9-2 that would allow issuance of a permit authorizing operation of equipment to deliver and pour concrete in the Central Business District between 7:00 p.m. and 6:00 a.m., to be presented to Council on or before June 19, 2008. (Mayor Pro Tem Betty Dunkerley Mayor Will Wynn)
Resolution No. 20080424-066 was approved.
67. Approve a resolution directing the City Manager to initiate a code amendment to revise the boundaries of the East Sixth/Pecan Street (PS) Overlay District to exclude the area west of Brazos Street and to bring the amendment to Council by June 19, 2008. (Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell Council Member Sheryl Cole)
Resolution No. 20080424-067 was approved.
68. Approve a resolution amending Resolution No. 20080306-039 to direct the City Manager to present code amendments implementing recommendations of the Residential Development Regulation Task Force, relating to City Code Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards), by May 15, 2008. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)
Resolution No. 20080424-068 was approved.
69. Approve a resolution authorizing the City Manager to reimburse a portion of the cost of providing security for Old Pecan Street Festival events to be held on May 3-4, 2008, in an amount not to exceed \$18,000, conditioned on coordination with Solid Waste Services for recycling and other initiatives; and directing the City Auditor to conduct an assessment in order to streamline costs; and directing the City Manager to consider partnership with the Pecan Street Festival for future events. (Council Member Mike Martinez Mayor Pro Tem Betty Dunkerley)
Resolution No. 20080424-069 was approved.
70. Approve waiver of permit fees under Chapter 14 of the Code for the Alliance for African American Health in Central Texas Sugar Run 5K & 1K Run/Walk, to be held on Saturday, June 14, 2008. (Council Member Sheryl Cole Council Member Jennifer Kim Council Member Lee Leffingwell)
The motion approving the waiver of permit fees for the Alliance for African American Health in Central Texas Sugar Run 5K and 1K Run/Walk was approved.
104. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards). (Suggested date and time: May 15, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)
The public hearing was set for May 15, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX. The public hearing will be conducted on the above date even if the Planning Commission has not acted on it.
105. Approve a resolution directing the City Manager to allocate \$5,000 from Holly Good Neighbor "Cultural Arts" projects to fund the Conjunto Music Festival during the Latino music month of May. (Council Member Mike Martinez Council Member Lee Leffingwell)
Resolution No. 20080424-105 was approved.

Item 71 was a briefing item set for 10:30 a.m.

Items 72 through 75 were Executive Session items.

Items 76 and 77 were action on Executive Session items.

Item 78 was a briefing item set for 2:00 p.m.

Items 79 through 99 were zoning items set for 4:00 p.m.

Items 100 through 103 were public hearing items set for 6:00 p.m.

Items 104 through 106 were addendum items.

DISCUSSION ITEM

14. Approve a resolution authorizing the filing of eminent domain proceedings for the Carson Creek Hoeke Lane Buyout Phase 2 project to acquire two tracts of land; the first tract is 0.268 of an acre out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, Texas, being that same property conveyed by Maria E. Campos to Reynaldo E. Campos in a deed dated April 11, 1997, recorded in Volume 12923, Page 224, of the Real Property Records, Travis County, Texas; the second tract is 0.498 of an acre also out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, Texas, being that same property conveyed by Maria E. Campos, et al, to Reynaldo E. Campos and Ana Maria M. Campos in a deed dated March 11, 1988, recorded in Volume 10621, Page 698, of the Real Property Records, Travis County, Texas, both in the total amount of \$62,500. The owner of the needed property interests is Reynaldo E. Campos. The properties are located at 2505 and 2507 Hoeke Lane, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20080424-014 was approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 6-1 vote. Council Member Martinez voted nay.

BRIEFINGS

71. Presentation of the Mayor's Mental Health Task Force Monitoring Committee's Third Annual Report
The presentation was made by Dr. Susan Stone, Mayor’s Mental Health Task Force Monitoring Committee.

DISCUSSION ITEM CONTINUED

63. Approve a resolution supporting efforts to upgrade the City of Austin's bicycle network by establishing the city's intent to become the first Texas city to attain Gold level bike-friendly status from the League of American Bicyclists; supporting the work of the Street Smarts Task Force January 2008; and directing the City Manager to study and report back to Council with recommendations for inclusion of the Street Smarts Task Force findings into the Austin Bicycle Master Plan. (Mayor Will Wynn Council Member Brewster McCracken Council Member Sheryl Cole)

Resolution No. 20080424-063 was approved on Council Member Cole’s motion, Council Member McCracken’s second on a 5-0 vote. Council Members Kim and Leffingwell were off the dais.

CITIZEN COMMUNICATION: GENERAL

Leslie McCulloch--Asking City Council to endorse the legislation to create a US department of peace

Gavino Fernandez, Jr.--Single member districts. Governance for all

Frances Martinez-Single member districts. LULAC

Carolannerose Kennedy-MENTAL HELLTH HOME ON deranged
 Marcelo Tafoya--Single member districts. LULAC National Co-chair Civil Rights Commission

Gloria Moreno--Single member districts. LULAC

Paul Hernandez--Single member districts. LULAC/ El Concilio. **He was not present when his name was called.**

Kathy Correa--The TOD Development on Lamar and the intersection on Lamar and Morrow. **She was not present when her name was called.**

David Jenkins--Resolution in favor of the department of peace

Robert G. MacDonald--Possible funding for "Austin Homeless Fund" by Solar Energy Street Lights. **He was not present when his name was called.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:41p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

72. Discuss legal issues relating to development regulations applicable to development of Mission Bethany Subdivision, site of Bethany Lutheran Church, at the intersection of Slaughter Lane and Wolftrap Drive. (Private Consultation with Attorney - Section 551.071). (This concerns property located in the Barton Springs Zone).
73. Discuss legal issues relating to the labor negotiations for Fire, Police, EMS, and PSEM departments. (Private consultation with Attorney Section 551.071).
74. Discuss legal issues related to In the Matter of the Application of Hays County Water Control and Improvement District No. 1 for Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014293001, Before the State Office of Administrative Hearings, SOAH Docket No. 582-08-0202, TCEQ Docket No. 2007-1426-MWD (concerns permit for direct discharge of waste water into Bear Creek)(Private consultation with Attorney - Section 551.071). Related to Item # 76.
75. Discuss legal issues related to Anne Ashmun, the City of Austin, Neighbors Organized to Protect the Environment, Inc., and John Sikoski v. Texas Commission on Environmental Quality and KBDJ, L.P., Cause No. 03-07-0069-CV, In the Court of Appeals 3rd District of Texas (concerns approval by TCEQ of KBDJ quarry located on the Recharge Zone). (Private Consultation with Attorney - Section 551.071). Related to Item # 77.

This item was postponed until May 8, 2008.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:10 p.m.

ACTION ON EXECUTIVE SESSION

76. Approve a Resolution authorizing city staff to engage in settlement negotiations related to In the Matter of the Application of Hays County Water Control and Improvement District No. 1 for Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014293001, Before the State Office of Administrative Hearings, SOAH Docket No. 582-08-0202, TCEQ Docket No. 2007-1426-MWD (concerns permit for direct discharge of waste water into Bear Creek). Related to Item # 74.
Resolution No. 20080424-076 was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member McCracken was off the dais.
77. Approve settlement in Anne Ashmun, the City of Austin, Neighbors Organized to Protect the Environment, Inc., and John Sikoski v. Texas Commission on Environmental Quality and KBDJ, L.P., Cause No. 03-07-0069-CV, In the Court of Appeals 3rd District of Texas (concerns approval by TCEQ of KBDJ quarry located on the Recharge Zone). Related to item #75.
This item was postponed until May 8, 2008.

BRIEFINGS

78. Presentation of accomplishments from the 2006-2008 African American Quality of Life initiative
The presentation was made by Michael McDonald, Assistant City Manager; Cora Wright, Assistant Director for Parks and Recreation Department; Rosie Jalifi, Assistant Director for Economic Growth and Redevelopment Services; Jeff Travillion, Business Process Consultant Senior for Austin Energy; Shannon Jones, Acting Director for Health Department; Margaret Shaw, Acting Director for Neighborhood Housing; Sam Holt, Assistant Police Chief; and Nelson Linder, President of NAACP.

DISCUSSION ITEMS CONTINUED

106. Approve an ordinance amending Ordinance 980507-A, relating to development regulations applicable to Bethany Lutheran Church, at the intersection of Slaughter Lane and Wolfrap Drive, and superceding disputed development regulations including but not limited to the Save Our Springs Ordinance. (This concerns property located in the Barton Springs Zone). Related to Item #72.
Ordinance No. 20080424-106 was approved with the following amendment on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. Part 6, (B) of the ordinance should read "Storm water controls for development of the property shall comply with the engineering report entitled "Ordinance 980507A Settlement Negotiations, Mission Bethany Water Quality Enhancements, CAI Proj. No. 420.0101" dated April 18, 2008, on file at the Watershed Protection and Development Review Department."

Mayor Wynn recessed the Council Meeting at 3:17 p.m.

Mayor Wynn called the Council Meeting back to order at 4:20 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

79. C14-2007-0271 - Deerwood Manufactured Home Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12400 Pearce Lane (Dry Creek East Watershed) from interim-rural residence (I-RR) district zoning to mobile home residence-conditional overlay (MH-CO) combining district zoning with conditions. First reading

approved on March 6, 2008. Vote: 7-0. Applicant: LB Deerwood Property L.P. (Paseo Capital - Eric Amend). Agent: Jacobs Carter Burgess (Sandy Harwood). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20080424-079 for mobile home residence-conditional overlay (MH-CO) combining district zoning with conditions was approved.

80. C14-2007-0210 and C14H-2007-0011 - Kocurek Building - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 511 West 41st Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning. First reading approved on March 27, 2008. Vote: 6-0 (Cole off the dais). Applicant and Agent: Vanguard Design Build (Michael Rhoades). City Staff: Jorge E. Rousselin, 974-2975.

The second reading of the ordinance for neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning was approved with the following amendments. Part 4 of the ordinance should read: "18 d. For a two-family residential use the maximum floor-to-area ratio (FAR) is 0.5 to 1.0.

18 f (iii) the east interior side yard setback is 10 feet

18 f (iv) the west alley setback is 0 feet.

18 h. Part 8 10.(b) does not apply to the accessory building. Its front setback from 41st Street may equal that of the principal building.

18 i. The maximum number of parking spaces is five. For a residential use, two parking spaces per dwelling unit is allowed; for a commercial use, one space per 1200 sq. ft. is allowed.

18 l. Part 7 2.a and Part 7 17.b do not apply to the property at 511 West 41st Street."

81. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 1C and Tracts 3-21 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Windsor Road Neighborhood Planning Area, bounded by West 35th Street on the north, North Lamar Boulevard on the east, Enfield Road on the south and North MoPac Expressway Northbound on the west (Town Lake, Shoal Creek, Johnson Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Windsor Road Neighborhood Planning Area from the overlay district. First Reading approved on February 14, 2008. Vote: 6-0 (Kim-absent). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed by a property owner in opposition to the rezoning request for Tract 3A.

This item was postponed to May 8, 2008 at Council's request.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

82. C14-2007-0092 - 21C - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 San Jacinto Blvd. (Town Lake/Waller Creek Watersheds) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with conditions. Applicant: Brazos REI POE (Matthew Hooks). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed indefinitely and removed from the agenda.
83. C14-2007-0269 - 11112 Georgian Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11112 Georgian Drive (Walnut Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant and Agent: VNA Investments, Inc. (Tam Luu). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20080424-083 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
84. C14-2008-0017 - T and K - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11108 Georgian Drive (Walnut Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant and Agent: VNA Investments (Tam Luu). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20080424-084 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
85. C14-2008-0046 - Bryan Jamail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4206 Clawson Road and 1700 Fort View (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and community commercial (GR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning for Tract 1; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Applicant: Bryan Joseph Jamail Development (Bryan Jamail). Agent: Howard Engineering (David Reid). City Staff: Robert Levinski, 974-1384.
Ordinance No. 20080424-085 for limited office-conditional overlay (LO-CO) combining district zoning for Tract 1; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2 was approved.
86. C14-2008-0047 - Grant Foster - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 507 West 18th Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district

zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant and Agent: Foster Financial Group (Grant Foster). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20080424-086 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved.

87. C14-2008-0049 - South Edge II (Part 3) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6224 Crow Lane (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Applicant: Captuity Investments Three, LP (Darin Davis). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.
This item was postponed to May 8, 2008 at the applicant's request.
88. C14-2008-0068 - Redeemer Presbyterian Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2205 Alexander Drive (Boggy Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Applicant: Redeemer Presbyterian Church (Barry McBee). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Joi Harden, 974-2212.
Ordinance No. 20080424-088 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning was approved.
89. C14-72-0204(RCA) - Daugherty Subdivision - Conduct a public hearing to approve a restrictive covenant amendment for the property located at Elmont Drive and Pleasant Valley Road (Town Lake Watershed). Staff Recommendation: To approve the restrictive covenant amendment. Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Gerald Daugherty. Agent: Terry Irion. City Staff: Jerry Rusthoven, 974-3207.
The motion approving a restrictive covenant amendment was approved.
93. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 1A, 1B, 1D and Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tracts 1A, 1B, 1D and Tract 2 (1807 West 35th Street, 1811 West 35th Street, 1815 West 35th Street and 1721 West 35th Street) within the Windsor Road Neighborhood Planning Area, bounded by West 35th Street on the north, North Lamar Boulevard on the east, Enfield Road on the south and North MoPac Expressway Northbound on the west (Town Lake, Shoal Creek, Johnson Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude

properties located at from the overlay district. Planning Commission Recommendation: To exclude Tracts 1 and 2 from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719. Valid petitions have been filed by property owners in opposition to this rezoning request.

This item was postponed to May 8, 2008 at the Council's request.

94. C14-2008-0019-South Lamar Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-out process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the South Lamar Neighborhood Planning Area, bounded by West Oltorf Street to the north, the Union Pacific Railroad to the east; West Ben White Boulevard to the south and South Lamar Boulevard to the west (West Bouldin Creek, Williamson Creek, Barton Creek - Barton Springs Zone watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the South Lamar Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.
- This item was postponed to May 8, 2008 at Council's request.**

95. C14-2008-0043 - Barton Hills Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Barton Hills Neighborhood Planning Area, bounded by Robert E. Lee, Rabb Road, Rae Dell Avenue, Barton Skyway, & Lamar Boulevard to the east, Stearns Lane & MoPAC Expressway Northbound to the west, and Lady Bird Lake to the north (Barton Creek, Eanes Creek and Town Lake Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Barton Hills Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Gregory Montes, 974-2629. A valid petition has been filed by a property owner in opposition to this rezoning request.
- This item was postponed to May 8, 2008 at Council's request.**

96. C14-2008-0044 - Windsor Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Windsor Park Neighborhood Planning Area, bounded by East U.S. Highway 290 on the north; Northeast Drive and Manor Road on the east; East 51st Street on the south; and IH-35 on the west (Tannehill Branch; Fort Branch; Little Walnut Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending

the Vertical Mixed Use (VMU) overlay district to exclude properties within the Windsor Park Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

The first reading of the ordinance was approved. Tracts 1-14, 17-25, 27-29 and 31 were approved for vertical mixed use building (V) zoning with dimensional standards, parking reduction and additional ground floor uses in office districts. Tracts 15, 16 and 26 were excluded from the VMU Overlay District. An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.

Mayor Wynn recessed the Council Meeting at 5:36 p.m.

LIVE MUSIC

Kat Edmonson

PROCLAMATIONS

Proclamation -- Austin Water Science Expo Days -- to be presented by Mayor Will Wynn and to be accepted by Greg Meszaros

Proclamation -- Parkinson's Disease Awareness Month -- to be presented by Mayor Will Wynn and to be accepted by Susie Lightfoot Scherr and Kitty Hoskins

Proclamation -- Fair Housing Month -- to be presented by Mayor Will Wynn and to be accepted by Charles Gorham

Proclamation -- World Tai Chi and Qigong Day -- to be presented by Mayor Will Wynn and to be accepted by Vince Cobalis

Distinguished Service Award -- Judge Jeanne Meurer -- to be presented by Council Member Jennifer Kim and to be accepted by the honoree

Proclamation -- Cary Youth Violence Prevention Week -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by Adrian Moore

Mayor Wynn recessed the Council Meeting and called the Special Called Meeting to order at 6:29 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 6:31 p.m.

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was off the dais.

- 92. C14-2008-0038 - 1705 & 1715 Guadalupe Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1705 and 1715 Guadalupe Street (Shoal Creek Watershed) from downtown mixed use (DMU) district zoning to downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning. Staff Recommendation: To grant downtown mixed use-central urban redevelopment-conditional overlay

(DMU-CURE-CO) combining district zoning. Planning Commission Recommendation: To deny downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning. Applicant and Agent: StrataGem Development, Ltd. (Brent W. Ryan). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to May 8, 2008 at the applicant's request.

100. Conduct a public hearing and approve a site-specific amendment to Section 25-8-514 (Save Our Springs Initiative) of the City Code to allow construction of a pollution prevention device upstream of Dry Fork Sink in the Critical Water Quality Zone of Williamson Creek (concerns property in the Barton Springs Zone). Recommended by the Environmental Board, the Code and Ordinance Subcommittee of the Planning Commission and the Planning Commission.

This item was postponed to June 5, 2008 at the staff's request.

101. Conduct a public hearing and consider an appeal by CWS Capital Partners LLC of the Planning Commission's decision denying its request for a variance from Waterfront Overlay development regulations (City Code Chapter 25-2) for property located at 222 East Riverside Drive in the South Shore Central Subdistrict. There is no unanticipated fiscal impact. A fiscal note is not required. The Planning Commission denied the requested Waterfront Overlay variance and site plan; The PARD Board recommended denial of the requested Waterfront Overlay variance.

This item was withdrawn.

102. Conduct a public hearing and consider an appeal by CWS Capital Partners LLC of the Planning Commission's decision denying its request for variances from Waterfront Overlay development regulations (City Code Chapter 25-2) for property located at 300 East Riverside Drive in the South Shore Central Subdistrict. There is no unanticipated fiscal impact. A fiscal note is not required. The Planning Commission denied the requested Waterfront Overlay variances and site plan; The PARD Board recommended denial of the requested Waterfront Overlay variances.

This item was withdrawn.

103. Conduct a public hearing and consider an ordinance amending Chapter 25-10, Sign Regulations and Chapter 13-2, Ground Transportation Services to clarify Chapter 25-10 and allow off-premise signs on limited portions of scenic roadways; prohibit advertisements on vehicles if such vehicles are driven solely or primarily for the purpose of advertising businesses that are unrelated to the vehicle's primary business; allow signs to be relocated to commercial districts with sign face areas of up to 672 square feet; change the way sign height is measured; define elevated travel ways and except major interchanges and intersections from that definition; clarify sign location measurements; allow the face size of newly relocated signs to be as large as the total aggregate square footage of the signs being relocated; require off-premise sign owners to register the signs and pay fees for all signs within the city's planning jurisdiction; require energy efficient, pollution reduction lighting for off-premise signs within a certain time frame; require annual registration of all non-conforming off-premise signs; prohibit signs owners from relocating a sign if that sign owner is in violation of the sign regulations; establish notice requirement to notify sign owners of registration expiration; clarify and establish penalties for violations of the sign regulations; and impose registration requirements and registration fees on vehicles that transport passengers for profit and advertise unrelated businesses; and other clarifying amendments; and waiving the requirement for a recommendation under Sec. 25-1-502(B), City Code. Reviewed by the Design Commission; Urban Transportation Commission; and, Codes and Ordinances Subcommittee of the Planning Commission. To be reviewed by the Planning Commission on April 22, 2008.

This item was postponed to May 8, 2008 at the staff's request.

ZONING DISCUSSION ITEMS

97. C14-2008-0030 - Lamar Blvd./Justin Lane Station Area Plan - Conduct a public hearing and approve an ordinance adopting the Lamar Blvd./Justin Lane Station Area Plan and TOD base district zoning for all properties within the boundaries of the Lamar Blvd./Justin Lane Station Area, generally bounded by Morrow Street on the north; Guadalupe Street, Burns Street and the back property line of properties along Lamar Blvd. on the east; Denson Drive and just north of Romeria Drive on the south; and Wild Street, the Northwest and Austin Railroad, and Ryan Drive on the west. Planning Commission Recommendation: To approve the station area plan and transit oriented development (TOD) district zoning. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694. **The public hearing was closed and the first reading of the ordinance to adopt the station area plan and transit oriented development (TOD) district zoning, with the following amendments, was approved on Council Member Cole's motion, Council Member Kim's second on a 6-0 vote. Council Member McCracken was off the dais.**

Council Member Cole proposed these amendments:

- 1. Change 10% to 25% for the affordability required for density bonus eligibility.**
- 2. Direct staff to initiate the creation of a TIF to fund public responsibilities.**
- 3. Develop a utility financing structure the same as Austin Water Utility is doing for UNO.**
- 4. Come up with an interim implementation plan prior to 2nd reading to:**
 - a. Identify specific park acquisition sites**
 - b. Do not up-zone the proposed park acquisition sites**
 - c. Prepare a park acquisition plan for Council's approval**
 - d. Prepare a trail connectivity and trail acquisition plan for Council approval**
 - e. Propose financial subsidies for housing**
- 5. Require mixed use in TOD Mixed Use and Corridor Mixed Use areas**
- 6. If any utility or city department imposes requirements that alter this plan (including criteria manual requirements, etc.), they have to come to Council with a waiver application within 45 days.**
- 7. No fee-in-lieu on residential projects without Council waiver**
- 8. Do not waive compatibility standards—make part of affordable housing density bonuses**
- 9. Develop sustainable landscape standards, including green infrastructure standards.**

Present a proposal to make Appendix E mandatory.

Accept the following Planning Commission recommendations:

- 1. Consider the dedication of public open space on the Austin Energy site and that other parkland be provided in and/or near the TOD District through parkland dedication funds.**
- 2. Establish a Working Group to implement the Station Area Plan as soon as possible.**
- 3. Direct staff to investigate methods of funding the proposed capital improvements to the Lamar Blvd./Airport Blvd. intersection.**

4. Direct staff to study the potential of a parking benefit district where on-street parking fees are used to fund future capital improvements to the intersection of Airport Blvd. and Lamar Blvd.
5. Direct staff to examine methods of improving overall east-west movement along Lamar Blvd. between Koenig Lane and Anderson Lane with a goal of dispersing traffic load.
6. Strongly recommend that the City Council:
 - a. Establish a clear and firm plan to help developers achieve the 25% affordability goal in the TOD ordinance using the tools presented by the affordable housing consultant, Diana McIver and Associates;
 - b. Consider amending the scoring process for the allocation of affordable housing bond funds so that projects in TOD Districts are prioritized;
 - c. Designate CIP funds to infrastructure improvement projects within and connecting to the TOD Districts;
 - d. Prioritize fee-in-lieu funds generated from a development bonus in the TOD District for future expenditure within the TOD;
 - e. In order for a project that wishes to take advantage of a development bonus to be approved for the fee-in-lieu option, the Director of the Neighborhood Housing and Community Development Department should work with the Community Development Commission to determine if a fee-in-lieu should be approved.

A friendly amendment was made by Council Member Leffingwell to direct staff to come back on second reading with an analysis of and plan for traffic mitigation on the through streets of Mauro, Easy Wind and Justin Lane. This was accepted by the maker and Council Member Kim who seconded the motion.

98. NPA-2008-0017.01 - Crestview/Wooten Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040401-Z-2, the Crestview/Wooten Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Lamar Blvd./Justin Lane Station Area Plan and change the land use designation on the future land use map for all properties within the Crestview/Wooten Combined Neighborhood Planning Area that overlap the Lamar Blvd./Justin Lane Station Area to Transit Oriented Development (TOD). Planning Commission Recommendation: To approve transit oriented development (TOD) designation. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
The public hearing was closed and the first reading of the ordinance to change the land use designation on the future land use map to transit oriented development (TOD) designation with the amendments spelled out in item 97 was approved on Council Member Cole's motion, Council Member Kim's second on a 6-0 vote. Council Member McCracken was off the dais.
99. NPA-2008-0018.01 - Brentwood/Highland Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Lamar Blvd./Justin Lane Station Area Plan and change the land use designation on the future land use map for all properties within the Brentwood/Highland Combined Neighborhood Planning Area that overlap the Lamar Blvd./Justin Lane Station Area to Transit Oriented Development (TOD). Planning Commission Recommendation: To approve transit oriented development (TOD) designation. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
The public hearing was closed and the first reading of the ordinance to change the land use designation on the future land use map to transit oriented development (TOD) designation with the amendments spelled out in item 97 was approved on Council Member Cole's motion, Council Member Kim's second on a 6-0 vote. Council Member McCracken was off the dais.

AMENDMENT

Original language as approved on May 8, 2008.

90. C14-2007-0042 - 1801 Nelms Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1801 Nelms Drive (Williamson Creek Watershed) from family residence (SF-3) district zoning and family residence-historic landmark(SF-3-H) combining district zoning to multi-family residence-moderate high density (MF-4) district zoning and multi-family residence-moderate high density-historic landmark (MF-4-H) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic landmark-conditional overlay (MF-3-H-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning and family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Invest Smart Homes (Todd Rayer). Agent: Thrower Design (Ron Thrower). City Staff: Jerry Rusthoven, 974-3207.

The public hearing was closed and Ordinance No. **20080424-090** for multi-family residence-moderate-high density-historic (MF-4-H-CO) combining district zoning was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote with the following staff recommendations and a stipulation by Council Member Martinez. Council Member McCracken was off the dais. The staff recommendations were: a 25 foot vegetative buffer around the ruins. Within that area, sidewalks, drainage and underground improvements or other improvements that maybe required by the City would be allowed. The stipulation was

Amended language as approved on June 5, 2008.

The public hearing was closed and the first reading of the ordinance for multi-family residence-moderate-high density-historic (MF-4-H-CO) combining district zoning was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote with the following staff recommendations and a stipulation by Council Member Martinez. Council Member McCracken was off the dais. The staff recommendations were: a 25 foot vegetative buffer around the ruins. Within that area, sidewalks, drainage and underground improvements or other improvements that maybe required by the City would be allowed. The stipulation was that 50% of the area within the 25 foot setback could be used for impervious cover.

91. C14-2007-0264 - TPWD 6.6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 100 East 50th Street (Waller Creek Watershed) from unzoned to multi-family residence-low density-neighborhood conservation combining district (MF-2-NCCD) combining district zoning and multi-family residence-moderate high density-neighborhood conservation combining district (MF-4-NCCD) combining district zoning. Staff Recommendation: To grant multi-family residence-limited density-neighborhood conservation combining district (MF-1-NCCD) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-limited density-neighborhood conservation combining district (MF-1-NCCD) combining district zoning with conditions. Applicant: Texas Park and Wildlife Department (Scott Boruff). Agent: Bennett Consulting (Jim Bennett). City Staff: Jorge E. Rousselin, 974-2975.

The public hearing was closed and the first reading of the ordinance for multi-family residence-limited density-neighborhood conservation combining district (MF-1-NCCD) combining district zoning with conditions and the inclusion of the following agreement was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

The following conditions are for both tracts combined:

1. Tracts 1 and 2 shall be limited to less than 2,000 vehicle trips per day cumulatively;
2. Street trees shall be planted along 51st Street sidewalk;
3. Bicycle and pedestrian access will be required from 50th Street to the subject property with public pedestrian access to the existing pedestrian bridge to Waller Creek; and
4. Per LDC, Sec. 25-6-51 and 25-6-55, 43 feet of right-of-way from the existing centerline shall be dedicated for West 51st Street according to the Transportation Plan.

The following conditions to each tract:

Tract 1:

1. Multi-Family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District;
2. Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 only;
3. Limit to 17 units per acre (40.426 units);
4. Maximum number of bedrooms: 59 per acre (140.302 bedrooms);
5. The setback for the buildings along the eastern side of the tract abutting residential shall be 25 feet minimum required for compatibility;
6. Maximum height 30 feet;
7. Maximum Building cover 40%;
8. Maximum Impervious cover 60%;
9. Maximum FAR: 0.75:1 (garage units will not be included in the FAR unless McMansion triggered);
10. Landscaping: Existing healthy Class 1 or Class 2 trees, according to the Environmental Criteria Manual, within the 25 feet compatibility setback along the eastern property line shall be maintained;
11. Vehicular access between Tract 1 and the Hyde Park Neighborhood through East 50th Street and East 49th Street is prohibited with the exception of emergency vehicle access.
12. Units in Tract 1 shall back to the existing homes that face Rowena Street so that parking for the MF2 tract does not directly abut the homes on Rowena that border the eastern property line of the MF2 Tract. The units shall face West; and
13. If Tract 1 is developed with single-family use, then the development regulations will match those of the North Hyde Park NCCD – Residential District.

Tract 2:

1. Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD-Residential District;
2. Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 only;
3. Limit to 23 units per acre (98.578 units);
4. Maximum number of bedrooms: 81 per acre (347.166 bedrooms);
5. Setbacks: 0 feet setback from 51st Street is permitted;
6. Maximum height: Height limit must meet compatibility standards with the exception that the height maximum within the first 360 feet from the Northern property line (51st Street) may be up to fifty (50) feet. (CIS is determining the above number) and at a distance of at least 130 feet from the Eastern property line height may be 50 feet even if it exceeds the compatibility height limit.
7. Maximum building cover 50%;
8. Maximum impervious cover 70%;
9. Maximum FAR 0.75:1;

10. Access: All driveways shall enter and exit West 51st Street unless otherwise required by Code. Said driveways shall be constructed at the minimum width required by the City of Austin. Vehicular access between Tract 2 and the Hyde Park Neighborhood is prohibited with the exception of emergency vehicle access.

The agreement between the applicant and the neighborhood association includes prohibition of bicycle and pedestrian access from 50th Street but emergency vehicles will be allowed access through the locked gate to get to the property.

The Mayor requested the following additional information be provided before the next reading: verification of flood plain boundaries and any additional signatures the neighborhood would like to provide for the notice of opposition. Staff was directed to work with Council Member Martinez to look at unzoned property in the City that is owned by the State and consider for possible rezoning or other remedy.

Mayor Wynn adjourned the meeting at 8:56 p.m. without objection.

The minutes for the Regular Meeting of April 24, 2008 were approved on this the 8th day of May 2008 on Council Member Kim's motion, Council Member Martinez' second on a 7-0 vote.

The minutes for the regular meeting of April 24, 2008 were amended and approved on June 5, 2008 on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote. See Item 90